

58257



Richard W. Winchell
Assistant Counsel

Miles Inc.
1127 Myrtle Street
P.O. Box 40
Elkhart, IN 46515
219 262-7748
Facsimile 219-262-7892

October 3, 1990

Ms. Verneta J. Simon
Emergency Response & Enforcement Branch
U.S. EPA Region V (5HS-12)
230 S. Dearborn
Chicago, IL 60604

Dear Ms. Simon:

I have been requested by Miles Inc. ("Miles") to respond to your letter dated October 2, 1990 to Mr. R. Lennie Scott.

You must be aware that Miles has recently provided a written response to U.S. EPA inquiries about the Himco Landfill Site (see attached my letter dated September 19, 1990).

While Miles is aware of and supports a local group including the City of Elkhart that has agreed to fund construction of a municipal watermain extension to certain residents along County Road 10 adjacent to the Himco landfill, Miles is not a representative or agent authorized to speak on behalf of the group. This local group, however, has been diligently working toward its goal and the group's good success demonstrates that U.S. EPA involvement is not needed to perform a local project of this nature.

To satisfy your quest for knowledge, local TV coverage last week announced that County Road 10 residents were satisfied to learn they would receive City water and that construction of a watermain would be complete sometime in November. I understand bids from several contractors and their qualifications are under review by the local group. I imagine once a contractor has been selected, a construction contract will be negotiated with the contractor and that will determine when construction can begin. More about the matter I cannot say.

-2-

I find the tone of your letter most remarkable and respectfully request the authority by which you require Miles to provide any report to you. Furthermore, I request the identification of all parties who have received similar requests. If this request has not been made of other parties, what is the basis for singling out Miles for your demands?

Finally, it should be explicitly understood by U.S. EPA that neither Miles nor I are authorized spokespersons of the group sponsoring the watermain extension project. Further, I am not acting as an agent of nor have I been authorized by any group to act as its attorney regarding this matter. However, I am an attorney for Miles and I have earlier requested and renew such request herein that the U.S. EPA send all notices and correspondence regarding the Himco Landfill matter to my attention directly. I am copying Mr. Tom Nash, Esq. with this letter and requesting his kind assistance in this matter.

Very truly yours,

MILES INC.



Richard W. Winchell

/ml

cc: Thomas C. Nash, Esq. (5CS-TUB-7)